

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 25748 of 2006(M)

PETITIONER:

**MADARI ANIL KUMAR, AGED 28 YEARS,
S/O. HARIDASAN, KUNNAPPALLI HOUSE, PALLIKKAL -
BAZAR P.O., MALAPPURAM DISTRICT.**

**BY ADV. SRI. MANJERI SUNDERRAJ
SMT. SUSAN JACOB
SRI. B. PREMNATH (E)**

RESPONDENTS:

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF CIVIL AVIATION AND TOURISM,
NEW DELHI.**
- 2. AIRPORT AUTHORITY OF INDIA,
CALICUT AIRPORT, REPRESENTED BY
THE AIRPORT DIRECTOR,
KARIPUR, MALAPPURAM DISTRICT.**
- 3. EXECUTIVE ENGINEER,
ELECTRICAL SECTION, CALICUT AIR PORT,
KARIPUR, MALAPPURAM DISTRICT.**
- 4. P.V. ENGINEERING,
BY ITS PROPRIETOR, REC, CHATHAMANGALAM POST,
KOZHIKODE.**
- 5. THE REGIONAL JOINT LABOUR COMMISSIONER,
LABOUR DEPARTMENT, GOVT. OF KERALA,
CIVIL STATION, KOZHIKODE.**

**BY ADV. SRI.R.SATHISH KUMAR, ADDL.CGSC
SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
SRI.R.SATHISH KUMAR, ADDL.CGSC
SENIOR GOVERNMENT PLEADER SRI. BENJAMIN PAUL
SRI. JOSE J. MATHEIKEL, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF THE SALARY VOUCHER OF THE PETITIONER.**
- EXT. P2 : COPY OF THE PETITIONER'S COMPLAINT BEFORE THE TIRURANGADI THALUK COMMITTEE OF THE LEGAL SERVICES AUTHORITY.**
- EXT. P3 : COPY OF KLSA - THALUK COMMITTEE'S ORDER ENDORSED ON PETITION.**
- EXT. P4 : COPY OF THE PETITIONER'S APPLICATION BEFORE RJLC, KOZHIKODE (R5).**

// True Copy //

P.A. to Judge.

Acd

S. SIRI JAGAN, J.

W.P.(C)NO.25748 OF 2006

DATED THIS THE 1st DAY OF AUGUST, 2007

JUDGMENT

The petitioner was formerly working as an employee of the Calicut Airport under the 2nd respondent . Later on, the 2nd respondent engaged the services of the 4th respondent as a contractor and the petitioner has been designated as Lift operating and Vehicle maintenance staff under the said contractor. The petitioner contends that this method of avoiding the petitioner from the employment of the 2nd respondent is unfair labour practice. With this complaint the petitioner filed Ext.P4 before the 5th respondent. The complaint of the petitioner is that the 5th respondent is not taking appropriate steps on Ext.P4, as required under the Industrial Disputes Act.

2. I have heard the learned counsel for the petitioner, the learned counsel for respondents 1 and 2 and the learned Government pleader appearing for the 5th respondent.

3. The learned Government pleader expresses a doubt as to whether the Government of Kerala is the appropriate Government for dealing with this issue. That is a matter which the 5th respondent can consider while taking further steps on Ext.P5.

Accordingly, I dispose of this writ petition directing the 5th respondent to consider Ext.P4 and take appropriate steps as warranted by law. I make it clear that it would be open to the 5th respondent to consider whether the Government of Kerala is the appropriate Government for dealing with this particular issue, and to pass orders accordingly.

S. SIRI JAGAN, JUDGE

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